

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of:	)	
	)	
CONSUMER BANKERS ASSOCIATION	)	CG Docket No. 02-278
	)	
Petition for Expedited Declaratory Ruling with	)	
Respect to Certain Provisions of the Indiana	)	
Revised Statutes and Indiana Administrative Code	)	

**STATE OF INDIANA’S MOTION FOR LEAVE TO FILE INSTANTER  
THREE DOCUMENTS AS AN ADDENDUM TO ITS REPLY COMMENTS**

At the close of its Reply Comments in Support of Its Motion to Dismiss and in Opposition to the Consumer Bankers Association’s Petition For Declaratory Ruling, filed February 17, 2005, the State of Indiana noted that ongoing events might yield additional relevant information and that the State would supply any such additional information as it was received. Indiana has now received three documents of particular relevance (attached herewith) and, pursuant to 47 C.F.R. 1.415(d), respectfully moves for leave to file them as an addendum to the State's Reply Comments:

1. An additional letter from Union Federal Bank to Indiana Attorney General Steve Carter dated February 18, 2005 reaffirming its withdrawal of membership for the CBA and emphasizing its respect for the Indiana do-not-call law as well as the privacy of its customers.
2. CBA member Integra Bank Corporation’s letter to Indiana Attorney General Steve Carter expressing disapproval of the CBA’s petition for preemption of Indiana’s do-not-call law and reinforcing its commitment to protecting the privacy of its customers. This letter was sent on February 17, 2005, and received by counsel for the State of Indiana on February 18, 2005.
3. Integra Bank Corporation’s letter to the CBA dated February 15, 2005, objecting to the filing and continued prosecution of the CBA’s petition for FCC preemption. This letter also was received by counsel for the State of Indiana on February 18, 2005.

WHEREFORE, the State of Indiana respectfully moves for the Commission to grant it leave to file instanter the three documents attached herewith as an addendum to the Reply Comments filed by the State on February 17, 2005.

Respectfully submitted,

STEVE CARTER  
Attorney General of Indiana

By: /s/Thomas M. Fisher  
Deputy Attorney General

*Counsel for the State of Indiana*

Office of Indiana Attorney General  
Indiana Government Center South, 5<sup>th</sup> Floor  
302 W. Washington Street  
Indianapolis, IN 46204-2770  
(317) 232-6255  
[tfisher@atg.state.in.us](mailto:tfisher@atg.state.in.us)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing STATE OF INDIANA'S MOTION FOR LEAVE TO FILE INSTANTER THREE DOCUMENTS AS AN ADDENDUM TO ITS REPLY COMMENTS was filed electronically and served upon all counsel of record listed below, by United States Mail, first-class, postage prepaid, and email on the 18<sup>th</sup> day of February, 2005:

Charles H. Kennedy  
Morrison & Foerster LLP  
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[trollins@mofo.com](mailto:trollins@mofo.com)

*Counsel for Consumer Bankers Association*

/s/ Thomas M. Fisher  
Deputy Attorney General

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Indiana Government Center South, 5<sup>th</sup> Floor  
302 W. Washington Street  
Indianapolis, IN 46204-2770  
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**Alvin T. Stolen III**  
President & CEO  
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Indianapolis, IN 46204

Tel: 317/269-4720  
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kit.stolen@unionfedbank.com

February 18, 2005

The Honorable Stephen Carter  
Attorney General  
State of Indiana  
219 State House  
Indianapolis, Indiana 46204

Dear Steve:

I am writing to reaffirm my fax correspondence to you of 3pm yesterday. Union Federal Bank of Indianapolis ("Union Federal") has withdrawn membership from the Consumer Bankers Association ("CBA") effective yesterday. Your February 17, 2005 advertisement in the Indianapolis Star and your press conference of the same date implied that Union Federal supports the CBA's PETITION FOR DECLARATORY RULING before the FCC. The facts are that Union Federal has never advocated support for the CBA's petition, nor were we involved in, or even aware of, the development of the petition. Union Federal has not advocated or taken any position, for or against, on the issue addressed in the CBA petition. Union Federal respects our customers' privacy and the provisions of the Indiana Do Not Call law.

Given these facts and the controversy surrounding these issues, we respectfully request that you in no way indicate that Union Federal supports the position of the CBA on this issue. Thank you.

Sincerely,



21 S.E. Third Street • P.O. Box 868 • Evansville, Indiana 47705-0868 • [integrabank.com](http://integrabank.com)

February 15, 2005

Honorable Steve Carter  
Office of the Attorney General  
Indiana Government Center South, Fifth Floor  
302 West Washington Street  
Indianapolis, Indiana 46204-2770

RE: CBA Petition/Indiana Do Not Call List.

Dear Attorney General Carter:

Integra Bank National Association ("Integra") takes very seriously the protection of our customer's privacy. We at Integra have implemented an internal policy concerning calls that is more restrictive than the current Indiana law.

While Integra is a member of the CBA, Integra has no voting or decision making authority with the Association. Integra was not consulted with or advised in any way, nor was any Petition ever shared with Integra by the CBA prior to filing with the Federal Communications Commission ("FCC"). We learned of the filing and the Petition only after receiving the fax from your office.

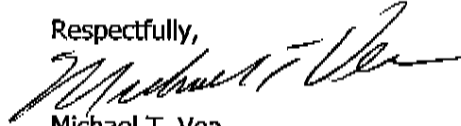
Those that will gain under preemption by federal law will be the out of state chartered banking institutions. Our citizens who do business with these institutions should be calling these entities, rather than an Indiana chartered institution that will continue to be subject to intrastate do not call legislation.

Integra has been dismayed by the comments of the your office in implying that Integra is intentionally attempting to harm the citizens of this great State. As stated above we take seriously the privacy of our customers and had no knowledge of or involvement with the filing of the Petition.

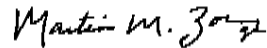
Integra does take our fellow citizens concerns of privacy seriously. While we have no authority to cause the Petition before the FCC to be withdrawn, Integra has sent a written

response to the CBA expressing our disapproval of its Petition. Regardless of the outcome it is our intent to maintain our current policy, which is again more stringent than current Indiana law.

Respectfully,



Michael T. Veal  
Chairman, President and CEO  
Integra Bank Corporation  
21 S.E. Third Street  
P.O. Box 868  
Evansville, Indiana 47705-0868



Martin M. Zorn  
Executive Vice President  
Chief Risk Officer  
Integra Bank Corporation  
21 S.E. Third Street  
Evansville, Indiana 47705-0868



Bank Corporation 21 S.E. Third Street • P.O. Box 868 • Evansville, Indiana 47705-0868 • [Integrabank.com](http://Integrabank.com)

February 15, 2005

Ms. Diane Bush  
Executive Assistant, Government Relations  
Consumer Banker's Association  
1000 Wilson Boulevard, Suite 2500  
Arlington, Virginia 22209-1750

RE: CBA Petition/Indiana Do Not Call List.

Dear Ms. Bush:

This letter will serve as Integra Bank National Association's objection to the filing and continued prosecution of the Petition by the CBA challenging Indiana's Do Not Call Statute.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael T. Veal".

Michael T. Veal  
Chairman, President and CEO  
Integra Bank Corporation  
21 S.E. Third Street  
P.O. Box 868  
Evansville, Indiana 47705-0868

A handwritten signature in black ink, appearing to read "Martin M. Zorn".

Martin M. Zorn  
Executive Vice President  
Chief Risk Officer  
Integra Bank Corporation  
21 S.E. Third Street  
P.O. Box 868  
Evansville, Indiana 47705-0868